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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,844	11/26/2003	Roy Kuipers	TEPS 30/ DDM03-027	9287
30137	7590	06/20/2006	EXAMINER	
LAW OFFICE OF DONALD D. MONDUL 3060 Bonsai Drive Plano, TX 75093			KEENAN, JAMES W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,844	<b>Applicant(s)</b> KUIPERS ET AL.	
	<b>Examiner</b> James Keenan	<b>Art Unit</b> 3652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/11/06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 3652

1. The amendment filed 4/11/06 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the material added to the specification in the paragraphs beginning on page 5, line 8, and page 7, line 21, and the material added to figures 5 and 7. The only material which can be added to the disclosure is that which was originally disclosed in the drawings, specification, and/or claims. In this case, the claims disclosed only nominally a manually operated force generating unit and a hydraulic ram motion translating unit. No structural details of these elements were given, and thus can not now be added to the disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. Note: the following paragraph would apply upon cancellation of the new matter from figures 5 and 7 as specified above.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the manually operated force generating unit (claims 5 and 14) and the hydraulic ram device (claims 8 and 17) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 5, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett (US 4,005,782) in view of Orawiec (US 4,126,232), both previously cited.

Crockett shows a system for moving an article to and from a machine (site), comprising motion generating unit 35 presenting a first force manifested in a first motion type, a motion translating unit 40 for receiving the first force and generating a second force manifested in a second motion type, article engaging structure 60 for applying the

second force to the article along a vertical axis, a rigid frame 20 supporting the generating and translating units and configured for engaging a platen 26 (considered to be a "shelf unit", absent any structural limitations, inasmuch as it supports an article in an "installed orientation", as broadly claimed) such that the frame is fixedly situated relative to the platen during movement of the article. Although the article is not a battery, this is not a positively recited element of the claim. The apparatus of Crockett clearly could be used for moving a battery without modification.

However, Crockett does not show the translating unit to translate the first force into the second force; instead, it simply utilizes a second motion generating unit 47.

Orawiec shows a similar apparatus for moving an article into an installed orientation at a site, wherein motion translating unit 50 translates a first motion from a motion generating unit 36 to a second motion for moving an article engaging structure 53 along a vertical axis.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Crockett by utilizing the translating unit of Orawiec to translate motion from the generating unit into the second motion for moving the article along a vertical axis, as this would preclude the need for a second motion generating unit.

Re claims 3 and 5, it would have been an obvious design expediency to substitute the manually operated integral force generating unit 60 of Orawiec.

5. Claims 4, 6, 9, 10, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett in view of Orawiec, as applied to claims 1-3, 5, and 12-14 above, and further in view of Evans (US 5,420,772, previously cited).

The modified apparatus of Crockett does not show the force generating unit to be separate from and connected with the motion generating unit.

Evans shows an object positioning device comprising (fig. 4 embodiment) rotary motion generating unit 170, linear motion translating unit 178, object engaging structure 26 (see fig. 1), and rigid frame 142, wherein the object is moved in a vertical axis in response to the force of the motion translating unit. Note the alternative embodiment of fig. 1 in which the force generating unit 94 is separate from and configured for connection with the motion generating unit 60.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have further modified the apparatus of Crockett by utilizing a separate rather than integral force generating unit, as Evans explicitly teaches these as art recognized functional equivalents.

Re claims 6 and 9-10, the use of an electrically operated force generating unit such as motor 94 of Evans would simply be an alternate equivalent design expediency, as would the screw jack and cable/pulley arrangement thereof.

6. Claims 6-8, 11, 15-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett in view of Orawiec, as applied to claims 1-3, 5, and 12-14 above, and further in view of Bontrager (US 4,030,705, previously cited).

Re claim 6, Bontrager discloses a similar lifting device that may use a power driven motor (col. 3, lines 9-11) in place of a manual operating mechanism. Although not explicitly stated, it is considered obvious, if not inherent, that such a motor would be electrically powered, and thus the addition thereof to the modified Crockett apparatus would be a mere alternate equivalent design expediency.

Re claim 7, although no indication is given that the motor would be battery powered, it nevertheless would have been obvious for one of ordinary skill in the art to have further modified the apparatus of Crockett such that the motor would be battery powered, as this would simply be a well known design expediency, the use of which would require no undue experimentation and produce no unexpected results.

Re claim 8, note hydraulic ram 102 of Bontrager. Utilizing hydraulic rather than pneumatic power in the modified Crockett apparatus would have been an obvious and well known design expediency.

Re claim 11, the frame of Bontrager is "telescopically disposed" (col. 2, line 39) and could be used to move the lifted article horizontally. The further addition of such a feature to the modified apparatus of Crockett would have been obvious for increased flexibility and usefulness.

7. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

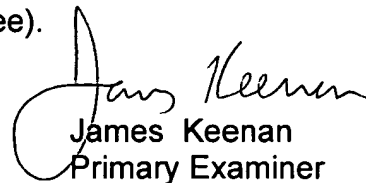
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. The examiner can normally be reached on (schedule varies).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eillen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James Keenan  
Primary Examiner  
Art Unit 3652

jwk  
6/14/06